

### Subpart 1446.7—Warranties

#### 1446.704 Authority for use of warranties.

The CCO is authorized to make the written determination to use a warranty in an acquisition.

#### 1446.708 Warranties of data.

Warranties of data shall only be used after consultation with the SOL.

## PART 1447 [RESERVED]

## PART 1448—VALUE ENGINEERING

### Subpart 1448.1—Policies and Procedures

Sec.

1448.102 Policies.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

### Subpart 1448.1—Policies and Procedures

#### 1448.102 Policies.

The HCA shall establish procedures for processing and evaluating VECP's as prescribed in FAR Subpart 48.1 and 369 DM, Value Engineering.

## PART 1449—TERMINATION OF CONTRACTS

### Subpart 1449.1—General Principles

Sec.

1449.106 Fraud or other criminal conduct.

1449.107 Audit of prime contract settlement proposals and subcontract settlements.

1449.111 Review of proposed settlements.

### Subpart 1449.4—Termination for Default

1449.402 Termination of fixed-price contracts for default.

1449.402-3 Procedure for default.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

### Subpart 1449.1—General Principles

#### 1449.106 Fraud or other criminal conduct.

When fraud or other criminal conduct is suspected, the CO will submit a report documenting the incident to the BPC for transmittal to the OIG. Informational copies will be forwarded to the HCA and the Director, PAM.

#### 1449.107 Audit of prime contract settlement proposals and subcontract settlements.

Requests for audits pursuant to FAR 49.107 shall be sent to the Assistant Inspector General for Auditing, in accordance with the procedures in 360 DM 2.3.

#### 1449.111 Review of proposed settlements.

All proposed settlement agreements shall be reviewed by the SOL and approved at one level above the CO. Settlement agreements of \$250,000 or more shall be approved by the BPC.

### Subpart 1449.4—Termination for Default

#### 1449.402 Termination of fixed-price contracts for default.

#### 1449.402-3 Procedure for default.

In addition to the requirements of FAR 49.402-3(g), the notice of termination shall contain instructions regarding the disposition of any Government property in the possession of the contractor, and, in the case of construction contracts, materials, appliances, and structures that may be on the construction site. The notice shall also contain a statement concerning the liability of the contractor or its surety for any liquidated damages (See FAR 49.402-7).

## PART 1450—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

### Subpart 1450.1—Extraordinary Contractual Actions

Sec.

§1450.101 General.

## **1450.101**

§ 1450.101-2 Policy.

§ 1450.101-3 Records.

§ 1450.102 Delegation of and limitations on exercise of authority.

§ 1450.102-1 Delegation of authority.

§ 1450.103 Contract adjustments.

§ 1450.103-6 Disposition.

§ 1450.104 Residual powers.

§ 1450.104-2 General.

§ 1450.104-3 Special procedures for unusually hazardous or nuclear risks.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

### **Subpart 1450.1—Extraordinary Contractual Actions**

#### **1450.101 General.**

##### **1450.101-2 Policy.**

Requests for extraordinary contractual actions shall be submitted by the HCA to the Director, PAM, for further action.

##### **1450.101-3 Records.**

The records of actions taken under FAR Part 50 shall be maintained by the Director, PAM.

#### **1450.102 Delegation of and limitations on exercise of authority.**

##### **1450.102-1 Delegation of authority.**

The AS/PMB shall approve all actions under FAR Part 50, except for actions in excess of \$55,000, actions which increase the contract price without consideration, and indemnification actions, which shall be approved by the Secretary.

##### **1450.103 Contract adjustments.**

##### **1450.103-6 Disposition.**

The CO shall submit the Memorandum of Decision including the contractor's request, contractor information in support of the request required by FAR 50.103-4, the results of the CO's investigation required by FAR 50.103-5, and the information required by FAR 50.103-6 to the SOL for review. If the SOL concurs with the Memorandum of Decision, the Memorandum of Decision will be submitted through the HCA to the Director, PAM, for further action.

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#### **1450.104 Residual powers.**

##### **1450.104-2 General.**

Proposals for the exercise of residual powers shall be processed using the procedures referred to in FAR 50.104-2.

##### **1450.104-3 Special procedures for unusually hazardous or nuclear risks.**

The CO shall submit the proposed Memorandum of Decision including the contractor's request for indemnification and the information required from the CO, to the SOL for review and approval. If the SOL approves the proposed Memorandum of Decision, it shall be submitted through the HCA, to the Director, PAM, for approval or disapproval by the Secretary.

### **PART 1451—USES OF GOVERNMENT SOURCES BY CONTRACTORS**

#### **Subpart 1451.1—Contractor Use of Government Supply Sources**

Sec.

1451.102 Authorization to use Government supply sources.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

#### **Subpart 1451.1—Contractor Use of Government Supply Sources**

##### **1451.102 Authorization to use Government supply sources.**

If the CO decides to authorize a contractor to use Government supply sources under the conditions prescribed in FAR 51.102, a written request for a FEDSTRIP activity address code (*See* FPMR 101-26.203) shall be made through the acquisition office FEDSTRIP point of contact.

### **PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

Sec.

1452.000 Scope of part.